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13 Attorneys for Plaintiff
14 GILEAD SCIENCES, INC.

15 *Additional counsel listed on signature page*

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
(SAN JOSE DIVISION)

18 GILEAD SCIENCES, INC.,

19 Plaintiff and Counterdefendant,

20 v.

21 MERCK & CO, INC. (Defendant only), MERCK
22 SHARP & DOHME CORP. and ISIS
PHARMACEUTICALS, INC.,

23 Defendants and Counterclaimants.

Case No. 5:13-cv-04057-BLF/PSG

**GILEAD SCIENCES, INC.'S OBJECTION
TO AN UNREDACTED EXHIBIT
DISCLOSED FOR PAMELA DEMAİN**

1 Gilead objects to an exhibit that Merck disclosed to be used during the direct examination
2 of Pamela Demain: EX-2566. This exhibit contains a specific licensing figure that is not relevant
3 to the liability phase of trial. It may become relevant during the damages phase, should one be
4 necessary. Presenting the jury with this information now, however, has the potential to confuse
5 the issues and/or improperly influence the jury's decision-making.

6 Gilead has informed Merck that redacting the specific royalty rate would remedy
7 Gilead's concerns. Merck has said that it would consider Gilead's proposal, but so far, not
8 agreed.

9 As such, Gilead objects to Merck's use of EX-2566 with witness Pamela Demain.

10
11 Dated: March 14, 2016

FISH & RICHARDSON P.C.

12
13 By: /s/ Douglas E. McCann
Douglas E. McCann

14
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